

REMARKS

The present application was filed on February 1, 2002 with claims 1-15. Claims 14 and 15 were withdrawn from consideration as a result of an election made in the Response to Restriction Requirement dated January 14, 2003. Claims 16 and 16 were added in an Amendment dated July 3, 2003. Claims 1-17 are currently pending in the present application. In the outstanding Office Action dated September 15, 2003, the Examiner has: (i) indicated that the proposed drawing correction filed on July 3, 2003 is approved; (ii) indicated that newly submitted claims 16 and 17 are withdrawn from consideration as being drawn to a nonelected invention; (iii) objected to the Abstract; (iv) objected to claim 7 based on an informality; (v) rejected claims 1-4, 6 and 9-13 under 35 U.S.C. § 112, second paragraph, as being indefinite; (vi) indicated that claims 5 and 8 are allowed; and (vii) indicated that claims 1 and 11 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112.

In this response, corrected drawings are submitted herewith, as requested by the Examiner. The abstract has been amended in a manner which is believed to address the Examiner's objection to the abstract. Claim 7 has been amended in a manner which is believed to address the Examiner's objection to claim 7, claims 1 and 11 have been amended in a manner which is believed to address the Examiner's rejections to these claims, and claim 4 has been amended for clarity as necessitated by the clarifying amendment to claim 1. Furthermore, Applicant traverses the withdrawal of claims 16 and 17 from consideration as being drawn to a non-elected invention. Applicant respectfully requests reconsideration of the present application in view of the above amendments and the following remarks.

With regard to claims 16 and 17, the Examiner contends that these claims are directed to a non-elected invention and are therefore withdrawn from consideration in the present application. Specifically, the Examiner contends that the device set forth in claims 16 and 17 "could be made by processes materially different than those/that of the group II invention" (present Office Action; page 2, first paragraph). Applicant respectfully disagrees with this contention.

Claims 16 and 17 explicitly require that the pair of complementary bipolar transistors be formed according to the specific method steps set forth in claim 1 which, as amended, is believed to be patentable. The Examiner attempts to show that the group I claims, namely, claims 16 and 17, are distinct from the group II claims, namely, claims 1-13, by contending that “the device of the group I invention could be made by processes materially different than those/that of the group II invention, for example, in claim 1, removing the residual oxide manually instead of using rapid thermal annealing” (present Office Action; page 2, first paragraph). However, Applicant respectfully asserts that by removing the rapid thermal annealing step, as the Examiner suggests, the resulting device would be inconsistent with the device set forth in claims 16 and 17 which expressly require such step (as recited in claim 1). Thus, since product claims 16 and 17 require the specific process set forth in claim 1, Applicant submits that the products recited by claims 16 and 17 are properly linked to process claim 1 (*see, e.g.*, MPEP §806.05(e)). For at least the above reasons, withdrawal of the restriction requirement is respectfully solicited.

The Examiner has objected to the abstract as containing too many words (present Office Action; page 3, paragraph 3). In response, Applicant has amended the abstract in a manner which is believed to address this objection, namely, by reducing the number of words contained therein.

Claim 7 has been objected to based on an informality. Specifically, the Examiner contends that in the last line of claim 7, the phrase “an upper surface of the semiconductor wafer” is unclear (present Office Action; page 3, paragraph 4). Applicant has amended claim 7 in a manner which is believed to address this objection, namely, by replacing the phrase “an upper surface” in the last line of the claim with the phrase “the upper surface” to further clarify that the “upper surface of the semiconductor wafer” appearing in the last line of claim 7 is the same upper surface recited previously in line 5 of the claim.

Claims 1-4, 6 and 9-13 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, with regard to claim 1, the Examiner contends that it is unclear where the first and second polysilicon layers are formed in the complementary bipolar transistors (present Office Action; page 3, paragraph 6). In response, claim 1 has been amended in a manner which

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Applicant believes addresses the §112 rejection. Specifically, claim 1 has been amended to clarify that the first and/or second polysilicon layers are formed on the upper surface of the wafer.

With regard to claim 11, the Examiner contends that "it is unclear whether the top surface of the single-crystal substrate or the top surface of the dielectric layer is the upper surface of the semiconductor wafer in claim 11" (present Office Action; page 4, first paragraph). In response, claim 11 has been amended in a manner which Applicant believes addresses the §112 rejection. Specifically, claim 11 has been amended to clarify that the dielectric layer is formed on the upper surface of the semiconductor wafer so as to planarize a contour of the upper surface of the wafer, as shown in FIG. 13. It is noted that once the dielectric layer has been formed on the semiconductor wafer, the top surface of the dielectric layer will effectively become the upper surface of the wafer.

In view of the above, favorable reconsideration and allowance of claims 1 and 11, as well as claims 2-4, 6 and 9-13 which depend therefrom, are respectfully requested.

For at least the foregoing reasons, Applicant believes that pending claims 1-13, 16 and 17 are in condition for allowance, and respectfully request withdrawal of the restriction requirement and withdrawal of the §112 rejections.

Respectfully submitted,



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Enclosure(s): Corrected Drawings for FIGS. 13 and 14 (2 sheets)